

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

LONNIE GREGORY,

Plaintiff

v.

Civil No.3:12CV121

CRAIG PHELPS, ET AL.,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION TO SUBPOENA  
PHOTOS AND VIDEOS [72]**

This matter comes before the Court on Plaintiff's Motion to Subpoena Photos and Videos [72] which was filed on February 18, 2014. There has been no response to this motion filed by the Defendants at this time. The Plaintiff in this matter is *pro se*. It appears to the court that the Defendant's Motion should be construed as a Request for Production of Documents under Fed. R. Civ. P. 34. The Court finds the Request for Production of Documents to be appropriate.

It is accordingly **ORDERED** that Plaintiff's Motion to Subpoena Photos and Videos[72] is **GRANTED as follows**. Defendants shall provide the Plaintiff with the following documents on **March 19, 2014** at the Plaintiff's scheduled deposition:

1. Any and all photographs and videos of the Plaintiff, Lonnie Gregory, taken before, during, and after his arrest as set forth in his Complaint.

Filing of objections does not stay this Order.

Any party may, within fourteen [14] days of this Order, file with the Clerk of the Court written objections identifying the portions of the Order to which objection is made, and the basis

for such objection. A copy of such objections should also be submitted to the District Court Judge of Record. Failure to timely file objections to the Order set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such order.

The Clerk of the Court is directed to transmit a copy of this Order to parties who appear *pro se* and any counsel of record, as applicable.

**IT IS SO ORDERED.**

DATED: 3-4-2014

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE